RESISTANCE CONSPIRACY TRIAL

BY SUSIE DAY

POLITICAL PRISONERS

SUSAN ROSENBERG, AGE 33, NYC, SERVING 58 YEAR SENTENCE

LINDA EVANS, AGE 43, TEXAS, SERVING 35 YEAR SENTENCE

MARILYN BUCK, AGE 42, TEXAS, SERVING 70 YEAR SENTENCE

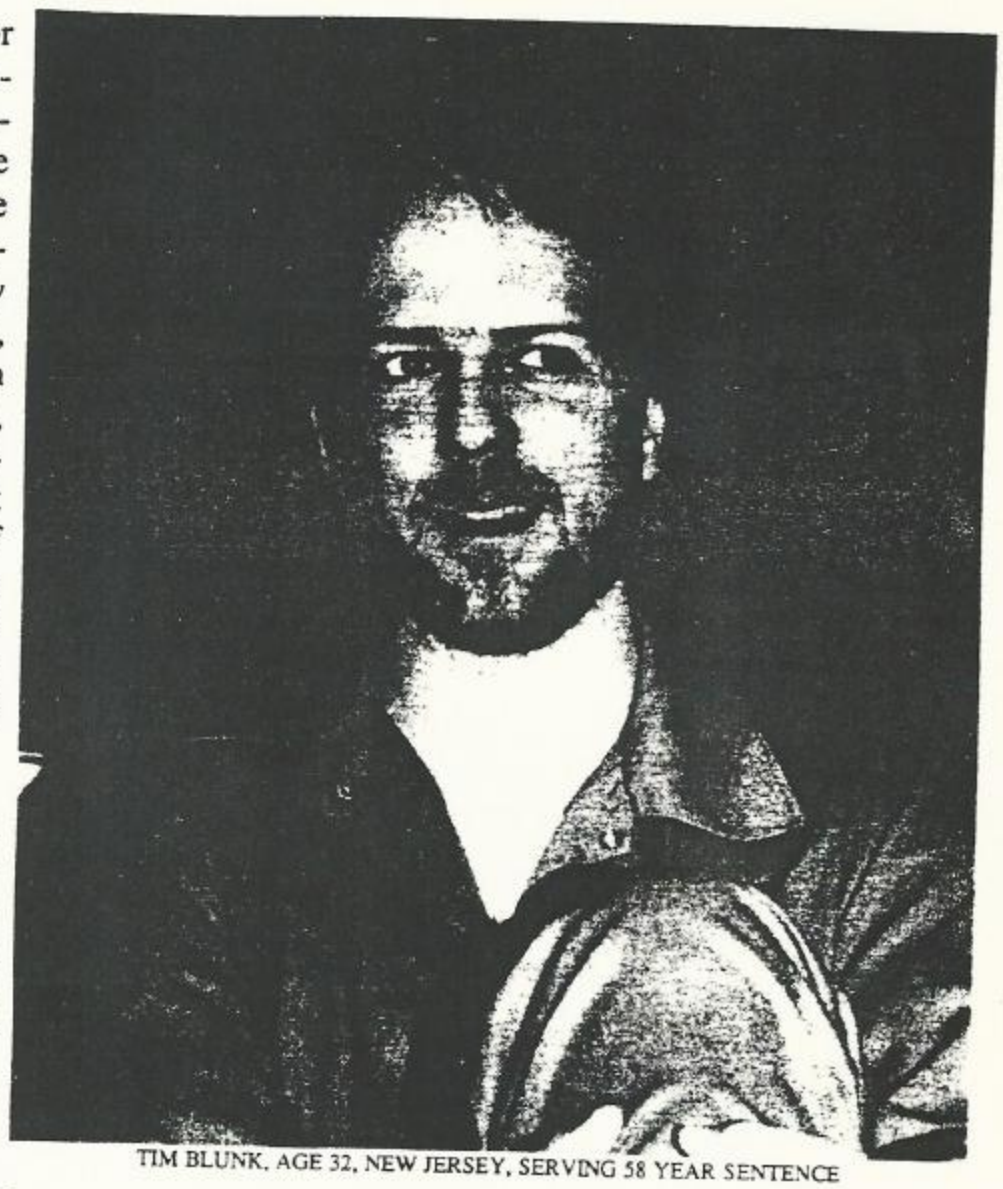
LAURA WHITEHORN, AGE 42, NYC, SERVING 35 YEAR SENTENCE

SUSIE DAY

ON NOVEMBER 7, 1983, shortly after the United States invasion of Grenada, a bomb went off at the Capitol building. It was one in a series of four bombings that took place at government and military sites over a period of a year in the Washington, D.C. area. Accompanied by bulletins stating that these were political actions in protest of U.S. military atrocities overseas, the explosions caused some property damage, but killed or injured no one. In May 1988, after a massive effort on the part of the FBI, the government singled out seven people and charged them with the bombings. U.S. Attorney for the District of Columbia Jay Stephens announced the indictment at a Washington press conference: "Let this be a warning to those who seek to influence the policies of the United States through violence or terrorism that we will seek unrelentingly to bring them to justice."

The defendants—Alan Berkman, Timothy Blunk, Marilyn Buck, Linda Evans, Susan Rosenberg, and Laura Whitehorn (Elizabeth Duke remains outside custody)—are North American anti-imperialists, and say that they support armed struggle as one means among many of resisting oppression. They have pleaded not guilty to the charges, yet refuse to renounce their revolutionary politics or to reveal any information they might have of other radical groups. Instead, they question the legality of U.S. government policies. Laura Whitehorn speaks: "Who says what's illegal, and who says what's violent? I mean, the U.S. government refused to go to the World Court when the Nicaraguans were charging them with mining the harbor at Corinta. They're fugitives from justice, internationally. And violent? This government is completely fraught with violence. You starve people in this country and that's violent; you sterilize women against their will and that's violent. And so, if you look at the very acts we're charged with, the Capitol bombings were a response to the invasion of Grenada. Which one was really more violent? And which one hurt people? And which one didn't?"

The government has acknowledged that it does not know who carried out the Capitol bombings. It has neither direct evidence nor witnesses to confirm the participation of any of the accused. All the defendants are lifelong community activists, and all, except Whitehorn and Berkman, carry previous prison sentences of at least 35 years. If convicted of these charges, they could be sentenced to as many as 45 more years in prison.



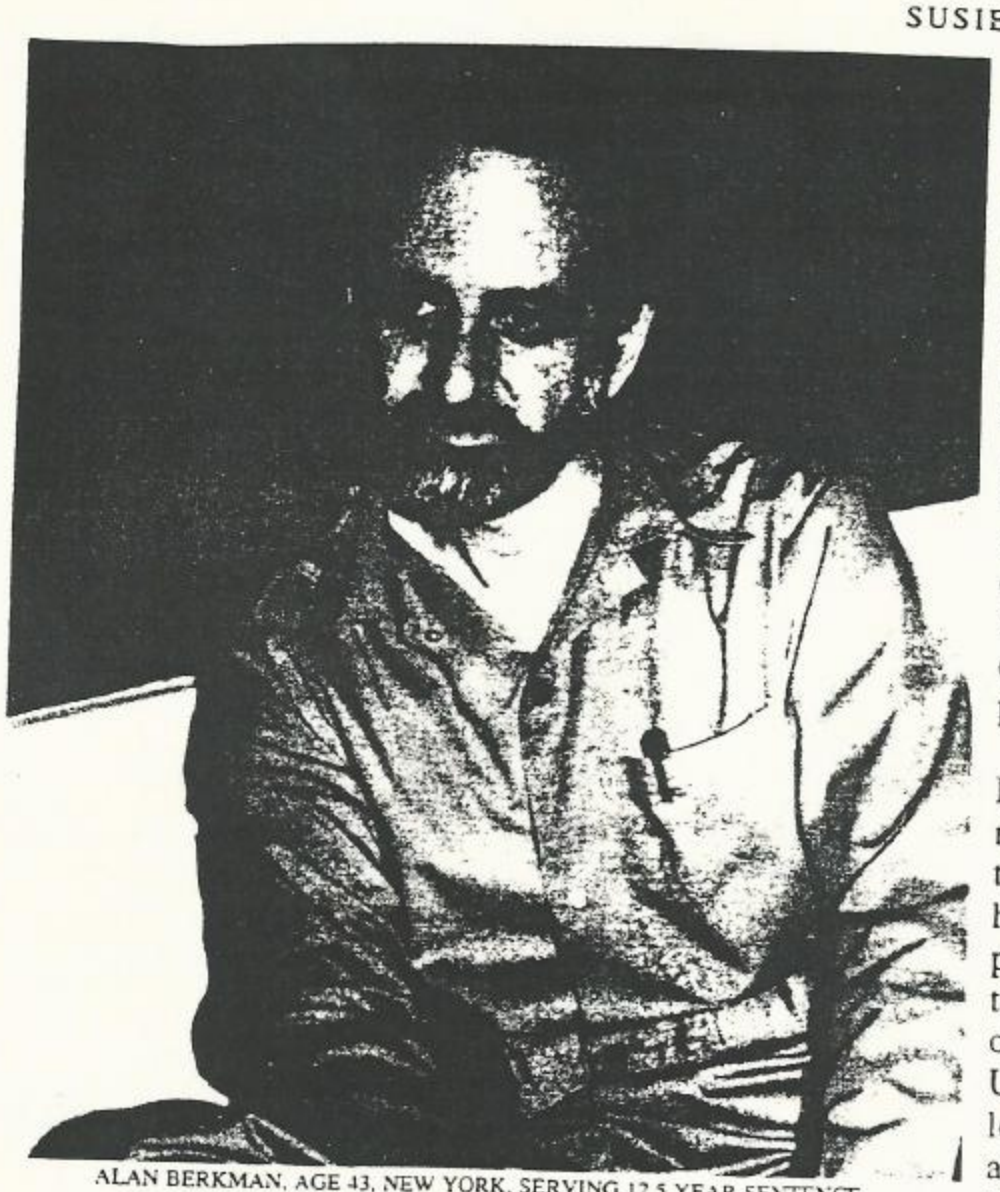
TIM BLUNK, AGE 32, NEW JERSEY, SERVING 58 YEAR SENTENCE

THESE DEFENDANTS are lifelong community activists. They are also part of a growing number of progressive and left-wing prisoners in the United States, incarcerated through the united efforts of right-wing judicial campaigns and FBI surveillance. Some have already spent years of their lives in prison conditions scientifically designed by the government's "anti-terrorist" program to erase their political identities. Yet almost no one knows these prisoners exist. Whether the Left hears about this case, and whether it decides to see these defendants as "terrorists" or as human beings are issues that will help determine political awareness for years to come.

The Resistance Conspiracy trial, as the defendants call it, may not begin for months, yet it is already showing signs of being one of the most politically controlled trials in decades. Stating the need to maintain security, the government has erected a bullet-proof plexiglass wall—the kind often seen in South African court—to separate the defendants from the courtroom. Special video cameras have also been installed to monitor the defense table and spectators, but not the prosecution. Ironically, these "precautions" are being taken in the same building where Oliver North was tried last spring, without shields or cameras.

The question arises: Why is the government taking the trouble to prosecute people with virtual life sentences, in an atmosphere likely to render an impartial trial by jury almost impossible? Mary O'Melveny, attorney for Susan Rosenberg, responds: "This is a government that hasn't hesitated to strike out at people who it thinks represent resistance and who have the potential to encourage other people to start protesting with more than just the conventional picket signs. Why [spend] the taxpayers' money—it's going to cost millions of dollars to try this case—why? To make a point. To make a point that says to people: 'Shut up. And don't even consider stepping out of very narrow bounds of protest.' That's what I think this case is all about."

Having no direct evidence to convict these defendants, the prosecution has constructed an indictment charging them with aiding and abetting and with conspiracy to "influence, change, and protest policies and practices of the United States government concerning various international and domestic matters through the use of violent and illegal means." These are ingenuously broad charges, which define guilt for an illegal political action as anything from directly participating in the action to being a member of a group that is ac-



ALAN BERKMAN, AGE 43, NEW YORK, SERVING 12.5 YEAR SENTENCE

cused of carrying it out. Moreover, if this indictment is successful, similar charges might be brought in the future against such relatively innocuous protests as weaponless blockades of the Pentagon.

Conspiracy charges are generally easy to prove. By using circumstantial evidence, the prosecution can show that the six held the same radical views and commitments. Once the defendants' "terrorist" leanings are established, a jury might have little trouble seeing a conspiracy in the uncontested fact that, at some point in their lives, several of the defendants shared membership in the same political groups. In a letter to Rep. Ron Dellums, attorney William Kunstler describes the scope of the charges: "The structure of the indictment will allow the government to convict people of substantive acts solely by proving association or 'membership' in an organization opposed to U.S. policies."

ACCORDING TO defense attorneys, much of the government's evidence will consist of the defendants' own political writings, exempt here from First Amendment protection. This, along with the government's guilt-by-association strategy, could lower the chill effect in progressive communities to well below freezing. It is enormously inhibiting to think that one's own political observations, if they are written down and coincide with an illegal action, could result in a prison sentence.

According to Freedom Now, a national organization advocating human rights for political prisoners, there are already over 200 people in U.S. jails for alleged crimes against federal policies. This figure includes "prisoners of war," such as Black and New African Nationalists, who see themselves a part of oppressed nations within the United States, and therefore not subject to its laws. The government, in refusing to acknowledge that it holds political prisoners, effectively isolates these people—most of whom are people of color—from their communities. "It's an issue for the whole progressive movement," says Laura Whitehorn. "Because if people start to understand that this country has political prisoners, then that means that there are social issues and social struggles that are legitimate and that are being denied."

WHITEHORN HAS been active in Black liberation movements and women's communities for over 20 years. Arrested for weapons possession in 1985, she has yet to be tried on those charges. Yet under the Bail Reform Act, she continues to be held in preventive detention, over four years after her arrest. The Bail Reform Act, one in a series of recent laws purportedly designed to "control crime," has been used to detain virtually every leftist and progressive defendant since the Act was passed in 1984. Whitehorn's attorney, Nkechi Taifa, observes that if her client were not, in fact, a political prisoner, she would have been released on bail years ago.

Besides denying the existence of its political prisoners, the government also refuses to acknowledge that leftist protest bombings have had a fairly substantial history in the United States. Along with sit-ins, boycotts, and mail campaigns, they helped make up the anti-war movement in the 1960s and early 1970s. From January 1969 to April 1970 alone, reports the Treasury Department, there were over 5,000 political bombings across the country. Says Marilyn Buck: "I think it's important to realize that people who were charged with the same kinds of acts in the early 1970s were not called terrorists. They were called political extremists or revolutionaries. But in the last decade, the propaganda thrust has been to create this field of terrorism in order to obscure the role of terrorism of the state."

In the late 1960s, Buck was among the first to introduce women's liberation into the SDS agenda. She worked for years in support of Mexicano and Black liberation groups. In August 1988, she and Dr. Mutulu Shakur, a New African freedom fighter, were convicted of a series of actions attributed to the Black Liberation Army, including aiding in the prison escape of Black activist Assata Shakur. Before the Resistance Conspiracy Trial begins, Buck, at 42, faces 70 years in prison.

Right-wing defendants almost invariably receive lighter sentences than defendants who oppose government policy. Don Black, for example, a member of the Ku Klux Klan, was arrested while attempting to invade the Caribbean island of Dominica with a boatload of illegal weapons, in order to set up a drug cartel. He was given a three-year sentence and was out in 24 months.

LINDA EVANS, on the other hand, organized so effectively against racism in Black, Chicano, and women's communities that the Klan put her on its death list. To protect herself, she purchased four guns using false identification, was arrested, and sentenced to 40 years in prison—by the same Louisiana district that tried Don Black. At 42, she is now serving a reduced

sentence of 35 years, and is routinely referred to by prison staff as a "terrorist." "That's why it's important to me to talk to people," Evans says, "to have people understand that, even if they disagree with the actions we're accused of having done, that we're all part of the same movement, and we depend on each other."

The peripheral effects of the government's "anti-terrorist" program have made even some pacifists appear dangerous. Plowshares activists, draft resisters, and sanctuary workers are now in prison for nonviolent opposition to the state. They face as many as 18 years in prison, and their sentences are getting longer.

"What put us in jail in the first place," says Susan Rosenberg, "is that we made a commitment to say it's possible to resist the strongest state in the world." Rosenberg worked for years as an acupuncturist in a Bronx hospital, treating the drug addiction and "chemical warfare" that she saw as systematically inflicted on Black and Latino communities. Like each of her co-defendants, she recognized at some point in her political history that racism is the linchpin of governmental control. As a white woman, she says, being an anti-imperialist means supporting self-determination for oppressed peoples within this country, as well as liberation struggles overseas. It is the alliances that she and her co-defendants have made with radical Black and Puerto Rican groups that have made the six phenomenally threatening to the government.

IN 1984, Rosenberg and Tim Blunk were arrested for weapons possession and false identification. They were convicted and sentenced to 58 years in prison. Blunk, the youngest of the six, was a student activist with Palestinian and Black liberation groups in the late 1970s. At the age of 32, he has already spent two years in the Marion prison for men in Illinois, the only U.S. prison regularly monitored by Amnesty International, in part because it is under continuous lock down.

"Lock down" is a modified form of solitary confinement, in which prisoners are isolated in tiny, often windowless, cells for 23 hours each day. They are allowed out for one hour, in handcuffs and leg shackles, to shower and make phone calls. It is a form of incarceration familiar to U.S. political prisoners, such as former Black Panther leader Geronimo Pratt, who has spent eight years in such conditions. All the Resistance Conspiracy defendants were locked down for several months in Washington, until a legal campaign lessened their restrictions.

The Bureau of Prisons, having largely given up the idea of rehabilitation, the Bureau of Prisons is coming to see its role as one of maintaining social as well as political control. Eighty percent of U.S. prisoners are Black, Latino, or Native American—unwanted sectors of U.S. society; "minorities" in terms of the overall population. It is in the interest of social "order," then, to maintain a pervasive climate of fear and hostility among inmates. Tim Blunk describes the guards at Marion: "They don't carry those clubs for nothing. The times that there are physical confrontations, the odds are overwhelming.... There are only six people on a tier, and all the officers carry body alarms. They hit those buttons and there will be 70 [guards] with their riot batons in a minute. And then they'll go to work..."

Beaten less frequently than men, women are usually controlled by threat of guards' sexual attacks against them. "By their rules," says Laura Whitehorn, "they are permitted to do just about anything to us." The pretext of searching for contraband allows officials to rape women with speculums or hands. On the day that Susan Rosenberg arrived at the infamous Lexington High Security Unit, "I and another political prisoner were taken in handcuffs to the hospital where we were informed that rectal and vaginal examinations were to be performed. We were told not to resist so it would 'go easier.' We were cuffed at the feet and then cuffed behind the back. Five women officers forced me into a bent position, took down my pants, and held me while a male physician forcibly rammed his fist into my anus and vagina, causing me to hemorrhage. No 'contraband' was found."

PRISONERS IN the general population are randomly brutalized as a matter of course; political prisoners are usually isolated from the general population and systematically abused, explicitly because they hold progressive ideas. Writing for *Social Justice*, professor Gilda Zwerman cites several studies by criminal justice scholars who view people such as the Resistance Conspiracy defendants as "political terrorists." These prisoners are, according to "experts," immune to traditional punishment, which only validates their self-concepts as threats to the state. The solution, then, is "incapacitation"—the concentrated denial of individual and political identity. Isolation units are becoming a devastating means toward that end. Interestingly, the Bureau of Prisons has built two such units exclusively for women. The first was the High Security Unit at Lexington, Kentucky, where Rosenberg was held.

Told that they had a "one-way ticket" to the Unit unless they renounced their politics, political prisoners Susan Rosenberg and Silvia Baraldini and prisoner of war Alejandrina Torres spent almost two years in the colorless underground silence of the HSU, totally cut off from the outside world. In order to observe the long-term effects of stress and sensory deprivation, windows were covered and fluorescent lights glowed continually, so that it became impossible to tell what time of day or year it was. The women were constantly surveyed, even while showering and sitting on the toilet, by a battery of cameras and hostile male guards.

Although they had been designated "violence prone" by the Bureau of Prisons, none of these women had ever been convicted of injuring or assaulting another person. In his report to the ACLU, psychologist Richard Korn noted the mental and physical deterioration of these women: "One of the women voiced her anxiety by saying, 'They're trying to kill us. But they'd rather we kill ourselves.'"

ISOLATION UNITS and the bloodless torture that accompanies them are not new, nor are they limited to the United States, writes Mary O'Melveny in an article for *Covert Action* on the Lexington HSU. They were first developed by the Nazis in their experiments...in Dachau. Isolation has also been a calculated factor in Nelson Mandela's years of confinement at Pollsmoor High Security Prison. "White cells" or "dead wings" have been used by West Germany for various anti-government

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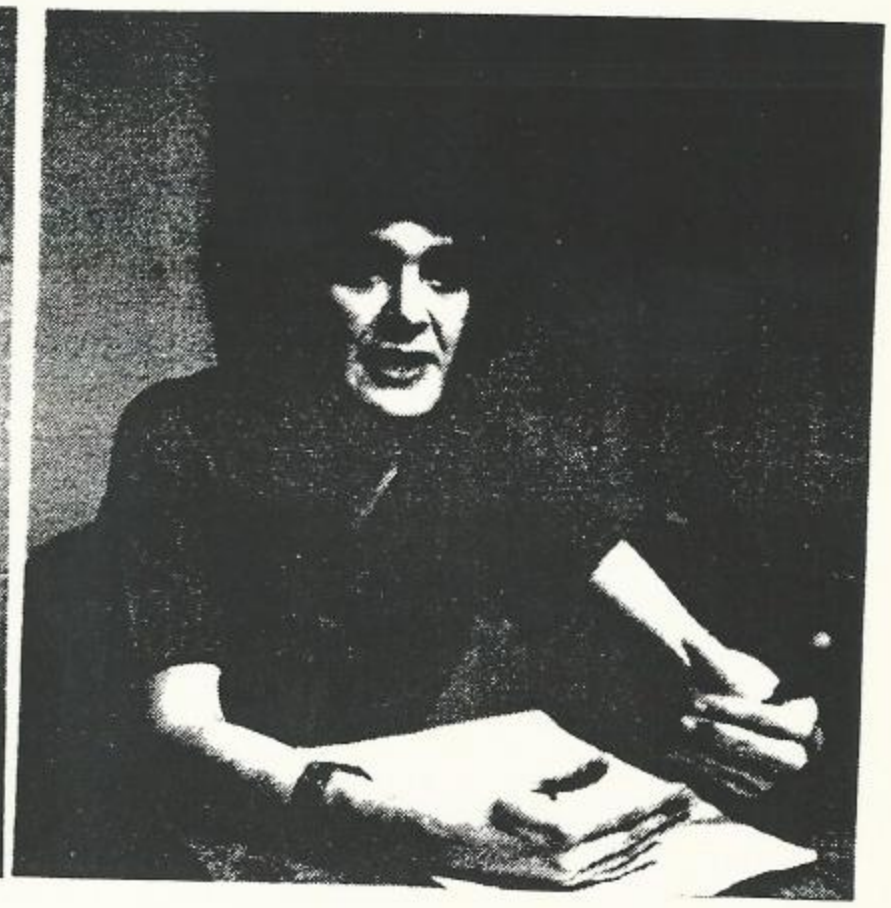

PHOTOS BY DIANE NELSON

groups, including the Red Army Faction, some of whom have endured as many as 18 years of isolation at Stammheim Prison. Clearly, Western "democracies" have collaborated in more than mere trade agreements. Susan Rosenberg observes: "The Germans studied Marion, and the people who built the Lexington High Security Unit studied Stammheim.... It's the anti-terrorist program of NATO and the United States that is responsible for the development of repressive forms."

Although the Lexington HSU was closed by court order in 1988, the government has appealed the court's decision. Yet even if Lexington remains closed, the recently-opened Shawnee Unit for women in Marianna, Florida, bears watching. Reports are that it has duplicated most of Lexington's horrors and is introducing others, such as overcrowding. O'Melveny says it's certain that if they are convicted of the DC bombings, Evans, Buck, Rosenberg, and Whitehorn will be sent to Marianna, while Berkman and Blunk will be returned to Marion.

Silently running through the Resistance Conspiracy case is the role of the FBI in getting these defendants to prison and keeping them in some of the worst possible conditions. Susan Rosenberg reports that, after she was transferred from Lexington, her attorney discovered that the FBI's Joint Terrorist Task Force has urged that she be sent to the HSU and Alan Berkman to Marion.

YEARS BEFORE his imprisonment, Berkman worked as a doctor in poor communities of New York, Alabama, and Boston. He treated the injured at Wounded Knee when the Oglala people were under siege by the FBI in 1973. Like each of his codefendents—and like thousands of other activists across the country—Berkman was subject to years of FBI surveillance. In 1982, Berkman was visited in

his office by an agent from the Joint Terrorist Task Force, who offered him $50,000 to become an informant. "And if I wanted to be in the witness protection program and get money for the rest of my life, that was fine. And they guaranteed me that if I didn't cooperate and mouth whatever story they wanted to have told about people, that I would never practice medicine again, and that I would go to jail."

Linda Evans remembers being harassed in the 1970s, long before her arrest: "In Texas, where I was working, it was very hard to distinguish between Klan death threats and FBI death threats and attacks. And so we never knew who was cutting our brake cables, shooting through windshields of cars, calling us up on the telephone saying they were going to kill us. We never knew if it was the Klan or the FBI."

The Brinks incident, in which three people were killed during a bank robbery allegedly carried out by the Black Liberation Army, provided justification for the FBI to renew its virtual state of war against Black and Puerto Rican nationalist movements. The Bureau also targetted scores of white leftist groups, such as the May 19 Communist Organization and the John Brown Anti-Klan Committee, two public, anti-racist groups in which all the defendants, except Marilyn Buck, were at one time members. Examples of FBI burglaries of homes and offices of the defendants and their families will be familiar to anyone who has studied the Bureau: in a series of break-ins, papers were rifled, political items were removed, but nothing of monetary value was taken. What is remarkable here is that items that disappeared in the early 1980s have surfaced as evidence in the Resistance Conspiracy Trial.

In 1983, for example, the Madame Binh Graphics Collective, in which Laura Whitehorn worked, was raided. Art equipment was destroyed and political literature and posters were seized. A few months later, some of the collective's garbage was stolen—only to turn up at the discovery proceedings for the upcoming trial.

THE LENGTHS to which the FBI has gone to obtain evidence in this case is some indication of how little it actually knows about the Capitol bombings. In 1982, after the arrests of several demonstrators in a rally against the Klan, the John Brown Anti-Klan Committee initiated a public campaign to drop charges against those arrested. The 427 postcards sent in support of the demonstrators were fingerprinted by the FBI. Results from these fingerprint analyses were introduced as evidence for this trial.

FBI surveillance of the defendants continues even now, in prison. After he was moved to Washington, Tim Blunk remembers discovering that all of his communication with the outside world while he was at Marion had been monitored, recorded, and analyzed. "Every single letter that I have ever written or ever received is photocopied in my file: birthday cards to my mother, any kind of correspondence is being read and studied and developed into a file.... So I'm not going to share some thought about how [jail] might be affecting me, cause it's like collaborating in your own oppression...sort of like telling them what gets to you, what works the most."

U.S. intelligence not only monitors the mail and telephone calls of political prisoners; it has often tried to set them against sectors of the general population. Laura Whitehorn recalls arriving at the Washington jail: "The population in this prison is 98 percent black. So what did the FBI decide to do? They told the prisoners that we were charged with threatening Jesse Jackson's life. So that was their big plan, to make us look like white supremacists."

In other instances, political prisoners have been found dead in prison. "The most recent that I remember," says Marilyn Buck, "is Angel Cristobel Rodriquez, a Puerto Rican *independentista*, who had a six-month sentence for contempt for demonstrating on the beach at Vieques. And they hanged him in Tallahassee in a federal prison. So a threat is always there."

Meanwhile, the Resistance Conspiracy defendants await a trial that has already been delayed several months. Although judge Harold Green has granted the defendants' motion to dismiss the charges against Rosenberg, Berkman, and Blunk on grounds of double jeopardy, the government, intent on trying all six together, has appealed the decision. Oral arguments for the appeal are scheduled to begin in early September.

If the defendants win the appeal, Buck, Whitehorn, and Evans will probably stand trial in the spring of 1990, and their comrades will be returned to high security prisons. If, on the other hand, the government wins its argument to try the six together, the issue will likely be taken to the Supreme Court.

THE RESISTANCE CONSPIRACY case will probably unearth in the Left profound questions about the nature of justice and of criminality in our society. While the Contra war and other acts of U.S. aggression have produced "heroes" in the Reagan and Bush administrations, those who have radically opposed such policies have been functionally "disappeared" in U.S. prisons. This trial, in attempting to criminalize the activism of these six defendants, may well succeed in isolating them from their progressive movements. Or it may compel us in progressive movements to find out for ourselves just who these people—and other political prisoners—are: how they affect our shared political concerns; what they could mean to our own deepest hopes for social change. Yet, until we can see beyond the government's designation of them as "terrorists," we will remain separated from these prisoners—and they will be lost to us. Z

For more information, write: Emergency Committee to Defend the Human and Legal Rights of Political Prisoners, POB 28191, Washington, DC 20038, or Freedom Now, *666 Broadway, 7th Floor, NYC, NY, 10012.*

Or write: Marilyn Buck #233-396, Linda Evans #233-411, Susan Rosenberg #233-412, Laura Whitehorn #220-858, Alan Berkman #233-315, Tim Blunk #233-410—at DC Detention Facility, 1901 D St, SE, Washington DC 20003; Silvia Baraldini #05125-054 at MCC, 150 Park Row, New York, NY 10007; Alejandrina Torres #92052-024, MCC, San Diego, CA 92101.

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